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**THE CITY OF NEW YORK
LAW DEPARTMENT**

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October 2, 2024

BY ECF

Honorable Jessica G.L. Clarke
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *Feliciano v. City of New York, et al.*,
24 CV 05063 (JGLC)

Your Honor:

I am a Senior Counsel in the Office of Muriel Goode-Trufant, Acting Corporation Counsel of the City of New York. I write to respectfully request an adjournment of the October 8, 2024 initial conference to a date and time convenient to the Court. Plaintiff's counsel Rudy Velez, Esq., consents to this request.

Plaintiff brings this case pursuant to 42 U.S.C. § 1983 alleging that, on September 12, 2012, she was falsely arrested by defendant Joseph Franco for allegedly selling crack cocaine. As a result, plaintiff claims that she was wrongly convicted and spent more than a year incarcerated. In September of 2021, plaintiff maintains that her conviction was vacated by the Bronx County District Attorney's Office after defendant Franco was discovered to have committed perjury when he worked as undercover narcotics detective.

This case was previously included for participation in Local Civil Rule 83.10, previously "the Section 1983 Plan." On July 18, 2024, Your Honor scheduled an initial conference in this matter of October 8, 2024 at 3:00 p.m.

An adjournment is requested for two reasons. First, the undersigned is going to be traveling back from Europe on the afternoon of October 8, 2024 and therefore, unable to participate in a conference with the Court. Second, to date, plaintiff has not yet provided this Office with the necessary N.Y.C.P.L. § 160.50 release as required by Local Civil Rule 83.10. This release is

particularly necessary since, according to the complaint, the underlying criminal charges brought against plaintiff were dismissed in 2021 when her conviction was vacated. Without the release, this Office is unable to access the relevant police, criminal court, and district attorney documents which, upon information and belief, have all been sealed by operation of law. In addition, since this Office has not been able to access any of the relevant documents pertaining to plaintiff's underlying arrest, conviction, and vacatur, the undersigned is not in a meaningful position to participate in a conference with the Court. In speaking with plaintiff's counsel this afternoon, he indicated that he would provide the necessary unsealing release by Monday, October 7, 2024.

For the reasons set forth above, it is respectfully requested that Your Honor adjourn the October 8, 2024 initial conference to a date and time convenient the Court. Thank you for your consideration herein.

Respectfully submitted,

/s/ Rachel Seligman Weiss
Rachel Seligman Weiss
Senior Counsel

cc: Rudy Velez, Esq.

Application GRANTED. The initial pretrial conference previously scheduled for October 8, 2024 is ADJOURNED to **October 29, 2024 at 11:00 a.m.** The parties' joint letter, as outlined in ECF No. 11, is due on **October 22, 2024**. The Clerk of Court is directed to terminate ECF No. 17.

SO ORDERED.

Jessica Clarke

JESSICA G. L. CLARKE
United States District Judge

Dated: October 4, 2024
New York, New York